

RESOLUTION NO. 76631

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING FORTH THE SCHEDULE OF PARKLAND FEES CHARGED PURSUANT TO CHAPTERS 14.25 AND 19.38 OF THE SAN JOSE MUNICIPAL CODE TO REFLECT THE 2012 RESIDENTIAL LAND VALUE STUDY, AND AUTHORIZING THE CITY MANAGER TO DETERMINE THE APPLICABLE PARKLAND FEES FOR ANY RESIDENTIAL UNITS IN THE CITY OF SAN JOSE THAT ARE NOT INCLUDED IN THE SCHEDULE OF PARKLAND FEES BASED ON THE NEAREST MULTIPLE LISTING SERVICE ZONES

WHEREAS, the City of San José ("City") enacted the Parkland Dedication Ordinance, San José Municipal Code ("SJMC") Chapter 19.38 ("PDO") in 1988 and the Park Impact Ordinance, SJMC Chapter 14.25 ("PIO") in 1992 to meet the demand for new neighborhood and community parkland generated by development of new residential subdivisions and new non-subdivided residential projects, both of which have been amended since that time; and

WHEREAS, on January 9, 2007, the City Council adopted Resolution No. 73587 which set forth the Schedule of Parkland Fees and Credits charged under the PDO and PIO to reflect the land values identified in the 2005 Residential Land Value Study, to temporarily reduce the parkland fees for developments in the Downtown Core Area, and to revise the credits for private recreation improvements; and

WHEREAS, on December 4, 2007, the City Council adopted Resolution No. 74152 which set forth the Schedule of Parkland Fees charged under the PDO and PIO to reflect the land values identified in the 2006 Residential Land Value Study; and

WHEREAS, on April 8, 2008, the City Council adopted Resolution No. 74314 to establish parkland fees for secondary units; and

WHEREAS, on September 30, 2008, the City Council adopted Resolution No. 74608 which set forth the Schedule of Parkland Fees charged under the PDO and PIO to reflect the land values identified in the 2007 Residential Land Value Study; and

WHEREAS, on April 20, 2010, the City Council adopted Resolution No. 75346 which set forth the Schedule of Parkland Fees charged under the PDO and PIO to reflect the land values identified in the 2009 Residential Land Value Study; and

WHEREAS, on August 24, 2010, the City Council adopted Resolution No. 75540 to establish parkland fees for low-income units at fifty percent (50%) of the applicable parkland fees for each residential unit type; and

WHEREAS, on May 10, 2011, the City Council adopted Resolution No. 75799 which set forth the Schedule of Parkland Fees charged under the PDO and PIO to reflect the land values identified in the 2010 Residential Land Value Study; and

WHEREAS, on June 7, 2011, the City Council adopted Resolution No. 75824 to clarify the definition of "Low-Income Units" exempt from the payment of parkland fees for residential projects that have obtained an approved discretionary permit or tentative or parcel map on or before October 24, 2010, and subsequently obtain an amendment for essentially the same project without changing the type or increasing the number of units; and

WHEREAS, on May 8, 2012, the City Council adopted Resolution No. 76220 which set forth the Schedule of Parkland Fees charged under the PDO and PIO to reflect the land values identified in the 2011 Residential Land Value Study, to amend Section 2.B of EXHIBIT B of Resolution No. 73587, as amended, and set the parkland fees charged for high-rise multi-family residential projects of twelve (12) stories or more located in the Downtown Core at fifty percent (50%) of the applicable parkland fees for multi-family 5+ units in the Downtown Area; and

WHEREAS, the Department of Parks, Recreation and Neighborhood Services and the Parks and Recreation Commission have concluded the annual review of the parkland fees charged under PDO and PIO; and

WHEREAS, this Resolution sets forth the new Schedule of Parkland Fees to be imposed under the PDO and PIO based on the 2012 Residential Land Value Study and authorizes the City Manager to determine the applicable parkland fees for any residential units in the City of San José that are not included in the Schedule of Parkland Fees based on the nearest Multiple Listing Service zones;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of San José that:

SECTION 1. REVISED SCHEDULE OF PARKLAND FEES.

The revised schedule of parkland fees is set forth in the attached EXHIBIT A. The schedule set forth in EXHIBIT A shall take effect as specified below in this Section 1.

This Resolution is effective on August 1, 2013. Any projects that (1) have not fully paid parkland fees before August 1, 2013; or (2) have not entered into a fully executed parkland or turnkey parkland agreement before August 1, 2013, are subject to the Schedule of Parkland Fees set forth in EXHIBIT A. City will not enter into a parkland or

turnkey parkland agreement for purposes of payment of parkland fees unless a Discretionary Permit authorizing a particular land use approval has been issued for the project or the project has an approved Tentative or Parcel Map, whichever occurs first, that will allow City to calculate parkland fees based on EXHIBIT A. A Discretionary Permit for purposes of this Resolution shall mean a permit issued by the Director of Planning, Building, and Code Enforcement pursuant to Title 20 of the San José Municipal Code ("Discretionary Permit"). A Discretionary Permit or Tentative or Parcel Map is considered "approved" for purposes of this Resolution after each of the following events have been satisfied: (1) City has approved the Discretionary Permit or Tentative or Parcel Map; and (2) all applicable statutes of limitations relating to the approval by City have expired.

SECTION 2. ESP PROJECTS.

The provisions of this Resolution shall not apply to residential projects in the Evergreen Specific Plan Area ("ESP") if the developer of the ESP project has met all of the following conditions prior to filing an application for final map approval for projects subject to the PDO or prior to filing an application for a building permit for projects subject to the PIO:

- A. The residential project is subject to Community Facilities District No. 4 (Evergreen Improvements); or
- B. An agreement entitled: "Cooperation Agreement By and Between the City of San José, the Evergreen Specific Plan Property Owners Partnership and the Evergreen Specific Plan Area Developers," as amended ("Cooperation Agreement") and the parkland agreement required under the Cooperation Agreement have both been executed and are in effect for the ESP project.

SECTION 3. MISCELLANEOUS.

- A. If not otherwise defined in this Resolution, capitalized terms shall have the meanings set forth in SJMC Chapters 14.25 and 19.38.
- B. If any section, subsection, sentence, clause, or phrase of any provision of this Resolution, including its attachments, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Resolution. Each and every section, subsection, sentence, clause or phrase of this Resolution, including its attachments, is severable from all other sections, subsections, sentences, clauses or phrases.

ADOPTED this 14th day of May 2013, by the following vote:

AYES: CAMPOS, CHU, HERRERA, KALRA, KHAMIS,
LICCARDO, NGUYEN, OLIVERIO, ROCHA; REED.

NOES: CONSTANT.

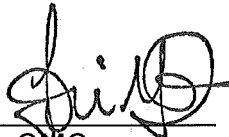
ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



TONI J. TABER, CMC
Acting City Clerk

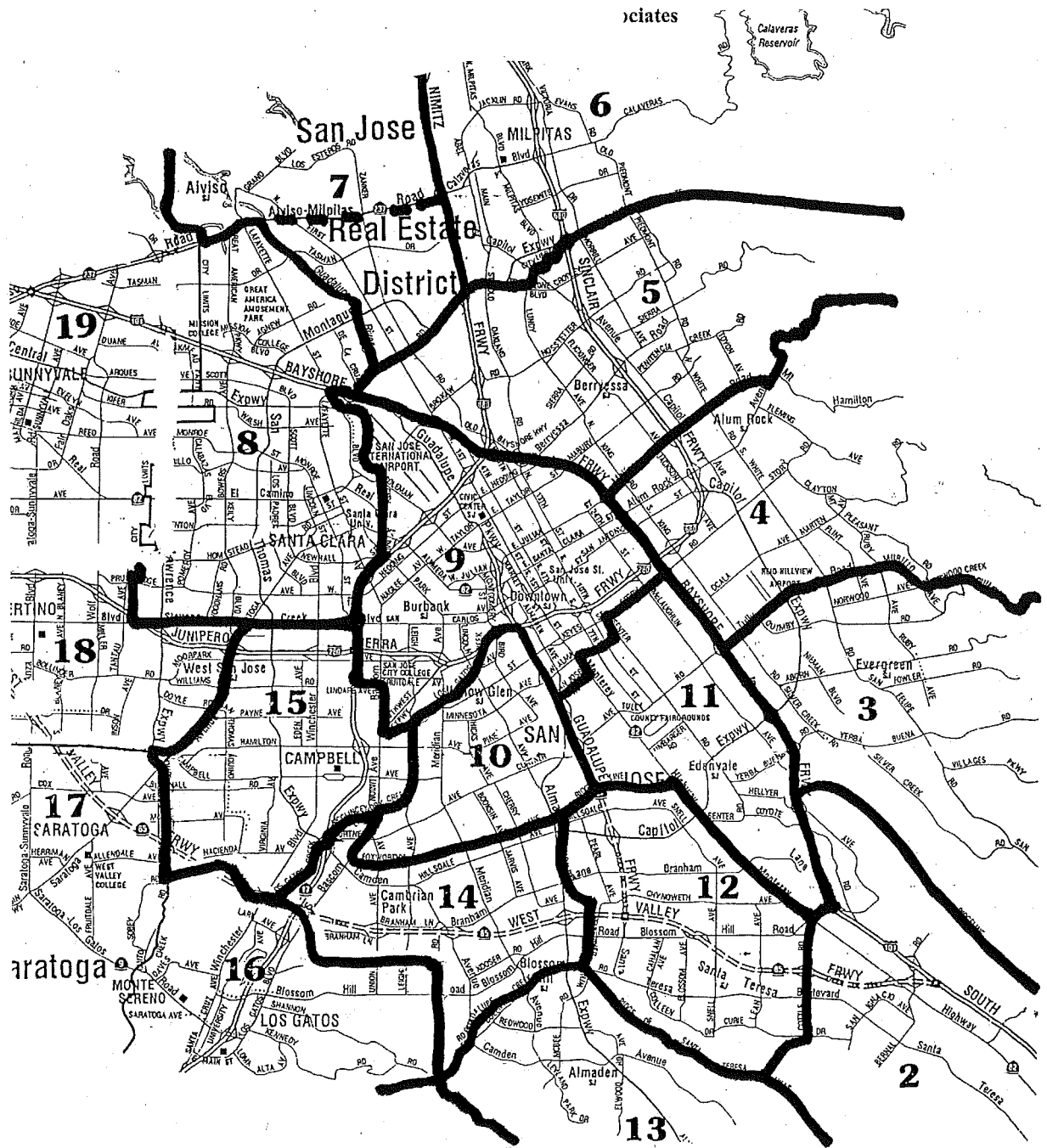
EXHIBIT A

REVISED SCHEDULE OF PARKLAND FEES

Section 1. Schedule of Parkland Fees.

- A. The parkland fees charged pursuant to SJMC Chapters 14.25 and 19.38 as set forth in Table 1 are based on the value of land in the City of San José as set forth in the 2012 Residential Land Value Study, a copy of which is on file in the Department of Parks, Recreation and Neighborhood Services.
- B. For purposes of the valuation of land, the City of San José is divided into the MLS Zones set forth in Table 1 and depicted in Attachment 1 to this Resolution. The land value for each MLS Zone and the resulting parkland fee per type of residential unit are also set forth in Table 1.
- C. The City Manager is authorized to determine the applicable parkland fees for any residential units in the City of San José that are not included in Table 1 based on the nearest Multiple Listing Service zones.

ATTACHMENT 1 MLS ZONES



PDO - PIO MAP

2 - Santa Teresa
5 - Berryessa
9 - Downtown
12 - Blossom Valley
15/18 - West San Jose

3 - Evergreen
7 - Alviso
10 - Willow Glen
13 - Almaden Valley

4 - Alum Rock
7 - North San Jose
11 - South San Jose
14 - Cambrian

TABLE 1

MLS ZONE	AREA COVERED	100% OF COST/ SQUARE FOOT	FEE PER UNIT*					
			SINGLE FAMILY DETACHED	SINGLE FAMILY ATTACHED	MULTI- FAMILY 2-4 UNITS	MULTI- FAMILY 5+ UNITS	SINGLE RESIDENCY OCCUPANCY UNIT (SRO)	SECONDARY RESIDENTIAL UNIT (GRANNY UNIT)
Number of Persons Per Unit- 2010 Census Data or Adopted by Council			3.31	3.31	2.96	2.34	1.00	0.50
2	SANTA TERESA	\$ 25.00	\$ 10,800	\$ 10,800	\$ 9,700	\$ 7,600	\$ 3,300	\$ 1,650
3	EVERGREEN	\$ 30.00	\$ 13,000	\$ 13,000	\$ 11,600	\$ 9,200	\$ 3,900	\$ 1,950
4	ALUM ROCK	\$ 20.00	\$ 8,700	\$ 8,700	\$ 7,700	\$ 6,100	\$ 2,600	\$ 1,300
5	BERRYESSA	\$ 30.00	\$ 13,000	\$ 13,000	\$ 11,600	\$ 9,200	\$ 3,900	\$ 1,950
7	ALVISO (north of 237)	\$ 20.00	\$ 8,700	\$ 8,700	\$ 7,700	\$ 6,100	\$ 2,600	\$ 1,300
7	NORTH SAN JOSE (south of 237)	\$ 90.00	\$ 38,900	\$ 38,900	\$ 34,800	\$ 27,500	\$ 11,800	\$ 5,900
8	SANTA CLARA	\$ 25.00	\$ 10,800	\$ 10,800	\$ 9,700	\$ 7,600	\$ 3,300	\$ 1,650
9	DOWNTOWN**	\$ 50.00	\$ 21,600	\$ 21,600	\$ 19,300	\$ 15,300	\$ 6,500	\$ 3,250
10	WILLOW GLEN	\$ 50.00	\$ 21,600	\$ 21,600	\$ 19,300	\$ 15,300	\$ 6,500	\$ 3,250
11	SOUTH SAN JOSE	\$ 20.00	\$ 8,700	\$ 8,700	\$ 7,700	\$ 6,100	\$ 2,600	\$ 1,300
12	BLOSSOM VALLEY	\$ 25.00	\$ 10,800	\$ 10,800	\$ 9,700	\$ 7,600	\$ 3,300	\$ 1,650
13	ALMADEN VALLEY	\$ 30.00	\$ 13,000	\$ 13,000	\$ 11,600	\$ 9,200	\$ 3,900	\$ 1,950
14	CAMBRIAN	\$ 25.00	\$ 10,800	\$ 10,800	\$ 9,700	\$ 7,600	\$ 3,300	\$ 1,650
15 & 18	WEST SAN JOSE	\$ 45.00	\$ 19,500	\$ 19,500	\$ 17,400	\$ 13,800	\$ 5,900	\$ 2,950
9-DC	Downtown Core – East of Hgwy 87 High Rise Projects 12+ Stories		n/a	n/a	n/a	\$ 7,650**	n/a	n/a

* Fees for Low Income Units shall be at the rate of 50% of the applicable Parkland Fees for each residential unit type per Section 1 of Resolution No. 75540.

** Fees for Downtown Units shall be at the rate of 50% of the applicable Parkland Fees for Downtown multi-family 5+ units per Section 3 of Resolution No. 76220.